

OCT. 12. 2004 1:50PM

COOK ALEX

NO. 3437 P. 1

**Cook, Alex, McFarron, Manzo, Cummings & Mehler,  
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**PHONE:**

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**FROM:** Stephen B. Heller

**REFERENCE:**

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PATENT

Attorney Docket No. 0945-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Walter G. Madden, et al.

Serial No.: 10/811,004

Filed: March 26, 2004

Examiner: Yvonne Abbott

Art Unit: 3644

For: MODULAR HOUSING FOR CATS

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P.O. Box 1450  
Alexandria, VA 22313-1450

RESUBMISSION OF INFORMATION DISCLOSURE STATEMENT

On August 4, 2004, an Information Disclosure Statement was  
filed by mail in connection with the above-identified  
application.

A copy of the Information Disclosure Statement, Transmittal  
Form, Form PTO SB/08B and the cited reference are attached.


According to the return postcard, the Information  
Disclosure Statement was received by the Patent Office August 9,  
2004. A copy of the postcard is also attached.

On October 4, 2004, a Notice of Allowance and fee(s) due is  
received in connection with this application. The Notice had a  
mailing date of September 29, 2004. In reviewing the

accompanying Notice of Allowability, it became apparent that the Information Disclosure Statement of August 4, 2004 was not considered.

On October 7, 2004, the undersigned spoke with Yvonne Abbott, the examiner for above-identified application. Examiner Abbott confirmed that the August 4, 2004 Information Disclosure Statement was not considered by her. Further, the electronic records of the Patent Office had not indicated its receipt. Consequently, examiner Abbott recommended that the Information Disclosure Statement be resubmitted, which applicant is doing with the present submission.

Respectfully submitted,

  
Stephen E. Heller  
Registration No. 30,181

COOK, ALEX, MCFARRON, MANZO,  
CUMMINGS & MEHLER, LTD.  
200 West Adams Street - #2850  
Chicago, IL 60606  
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PTO/SB/21 (02-04)

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/811,004	<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>OCT 12 2004</b>
	Filing Date	March 26, 2004	
	First Named Inventor	Walter G. Madden et al.	
	Art Unit	3643	
	Examiner Name		
Total Number of Pages in This Submission	Attorney Docket Number	0945-0001	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply - Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (AppealN office, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks The following documents are also enclosed: - Cited Reference (Including Copy of Provisional Application No. 60/394,551 and photograph) - Return Postcard		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Stephen B. Heller	
Signature	<i>Stephen B. Heller</i>	
Date	August 4, 2004	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Christine A. Barglik	
Signature	<i>Christine A. Barglik</i>	Date August 4, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 1.22 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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OCT 12 2004

PATENT

Attorney Docket No. 0945-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Walter G. Madden, et al.  
  
Serial No.: 10/811,004  
  
Filed: March 26, 2004  
  
Examiner:  
  
Art Unit: 3643  
  
For: MODULAR HOUSING FOR CATS

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DATE: August 4, 2004

NAME: Christine A. Barglik

SIGNATURE: *Christine A. Barglik*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.97, as revised on February 4, 1992, 1135 OG 23-24, Applicants hereby call the Examiner's attention to documents listed on the attached form, which documents may be material to the examination of this application.

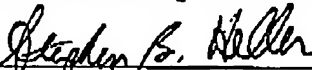
No inference should be drawn that any apparatus disclosed is equivalent to the subject invention. Also, the citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be

construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicants also respectfully reserve the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the present patent application.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Accordingly, it is believed that no fee under 37 CFR 1.97(c) is required. If it is determined that a fee is required for this Information Disclosure Statement, please charge our Deposit Account No. 50/1039.

Respectfully submitted,

  
\_\_\_\_\_  
Stephen E. Heller  
Registration No. 30,181

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